

REMARKS

In response to the outstanding Office Action, Applicant respectfully requests reconsideration based on the following remarks. Applicant respectfully submits that the claims presented are in condition for allowance. Claims 1, 7, 21, 22, and 26 have been amended. Support for the amendment is found at least in paragraph [0022]. Additionally, claim 6 has been amended. No new matter has been added by this Amendment.

Claims 1-30 are pending.

Claim Rejections - 35 U.S.C. §112

Claim 30 stands rejected under 35 U. S.C. §112 first paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has herein amended base claim 26 to provide antecedent basis for “the automatic answering mode” in claim 30. Accordingly, the rejection should be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

I. Claims 1-4, 8-11, 15-18, 21, 22, 24 and 25 stand rejected under 35 USC § 103(a) as unpatentable over Peters et al. (U.S. Publication 2003/0003926 A1) in views of Marutiak (U.S. Patent 5,568,546), Irvin (U.S. Patent 6,418,211) and Broussard et al. (U.S. Publication 2003/0210771).

II. Claims 5, 6, and 12 stand rejected under 35 USC § 103(a) as unpatentable over Peters et al. (U.S. Publication 2003/0003926 A1) in views of Irvin (U.S. Patent 6,418,211), Marutiak (U.S. Patent 5,568,546), Broussard et al. (U.S. Publication 2003/0210771) and Rutledge et al. (U.S. Publication 2002/0142756 A1).

III. Claims 13, 14, 19, 20, and 23 stand rejected under 35 USC § 103(a) as unpatentable over Peters et al., (U.S. Publication 2003/0003926) in views of Irvin (U.S. Patent 6,418,211), Marutiak (U.S. Patent 5,568,546) Broussard et al., (U.S. Publication 2003/0210771) and Bremer (U.S. Patent 6,018,671).

IV. Claims 27-29 stand rejected under 35 USC § 103(a) as unpatentable over Peters et al., (U.S. Publication 2003/0003926) in views of Irvin (U.S. Patent 6,418,211), Marutiak (U.S.

Patent 5,568,546), Broussard et al., (U.S. Publication 2003/0210771) and Brown et al., (U.S. Patent 7,010,288 B2).

V. Claim 26 stands rejected under 35 USC § 103(a) as unpatentable over Irvin (U.S. Patent 6,418,211) in view of Broussard et al., (U.S. Publication 2003/0210771).

VI. Claim 30 stands rejected under 35 USC § 103(a) as unpatentable over Irvin (U.S. Patent 6,418,211) in views of Broussard et al., (U.S. Publication 2003/0210771) and Brown et al., (U.S. Patent 7,010,288 B2).

VII. Claim 7 stands rejected under 35 USC § 103(a) as unpatentable over Peters et al., (U.S. Publication 2003/0003926) in views of Irvin, (U.S. Patent 6,418,211), Marutiak (U.S. Patent 5,568,546), Broussard et al., (U.S. Publication 2003/0210771) and Roderique (U.S. Patent 6,941,131).

Applicant respectfully traverses the above rejections as set forth below.

Patentability Arguments

Claim 1 recites “based on the particular caller identification being on a particular date and at a particular time, making the determination that the automatic answering mode applies to the particular caller”. The combined teachings of Peters, Marutiak, Irvin, Broussard, Rutledge, Bremer, Brown, and Roderique fail to teach or suggest the above features of claim 1.

In Peters, with regard to an automatic answer unit 316, Peters teaches in paragraphs [0032] and [0034] “Automatic answer unit 316 provides a mechanism to answer the telephone when the user is busy without requiring the user to speak or otherwise disturb those around the user and without allowing the caller to hear what is happening near the user until the user decides that it is convenient to answer the call his or herself. When a call is received and the phone 300 is in automatic answer mode, the automatic answer unit sends a prerecorded message to the caller indicating that the user will pick up the phone and speak with them momentarily and requesting that the caller not hang up...The automatic answer mode may be selected by the user by selecting from a menu or using a special key or key strokes. The user may select automatic answer mode prior to receiving calls or may choose to be notified of calls first and then, based possibly on the identity of the caller as displayed through caller ID on the phone display, the user may choose to place the phone 300 into automatic answer mode and move to a location more

convenient for taking the call. Alternatively, if the caller ID reveals a non-urgent call or someone to whom the user does not wish to speak with immediately, the user can allow the call to go unanswered or allow a voice mail system to answer the call and take a message from the caller.” Paragraph [0043] of Peters teaches “To begin, the telephone receives an incoming phone call (step 502). The phone notifies the user that a call has been received (step 504) such as, for example, by causing the phone to vibrate and/or light up. The phone then determines whether the user has placed the phone in automatic answer mode (step 506). If the phone has been configured to allow the user to be notified of the phone call prior to placing the phone in automatic answer mode, the phone may present the user with a menu of options... [emphasis added]”

Marutiak is applied by the Office Action for its teaching regarding a list of most frequently used telephone numbers.

Irvin is applied by the Office Action for its teaching regarding a divert list.

Broussard is applied by the Office Action for its teaching regarding a specific greeting message template for a caller. With regard to greeting messages, Broussard teaches in paragraph [0041] “One advantage of the present invention is that there may be a wide variety of greeting messages that may be played to a caller based upon several conditions, such as, for example, the caller's identity, the date and time that the call is received, whether the user is at the office site or away on business or vacation, whether the caller is calling from within the business's telephone network or from a telephone outside the network, whether the call is received on a holiday, non-business day or during non-business hours, whether the user is logged into or out of the voice mail system, information contained in the user's personal calendar, and combinations thereof. The present invention provides for the automated selection of a greeting template based upon these or other conditions, singularly or in combination...”

Rutledge is applied by the Office Action for its teaching regarding reminding a user that a recipient is on hold.

Bremer is applied by the Office Action for its teaching regarding messages that the user can select for the caller.

Brown is applied by the Office Action for its teaching regarding auto-response messages to callers.

In rejecting claim 7, the Office Action applied Roderique for teaching “an automatic answering unit determines that an automatic answering mode applies” and cited the following passages. Col. 3, lines 7-23 of Roderique teaches “Selection of the pre-recorded message may also be performed automatically by the wireless communications device upon receipt of the incoming call. In this form of the present invention, the wireless communications device includes a phone book having stored phone numbers input by, and personal to, the user of the mobile communications device. The stored phone numbers are associated with the plurality of pre-recorded messages based on the user's preference of which pre-recorded message he or she wants played back for a particular person if they should call. The identified phone number, identified via the caller ID circuitry, is compared with the stored phone numbers. If a match is found, the incoming call is automatically diverted to the voice message mailbox of the wireless communications device and the pre-recorded message associated with the matched stored phone number is played back for the caller of the incoming call.” Col. 6, lines 46-61 of Roderique teaches “In the automatic, or unavailable, mode of operation, the user will typically not want to be bothered by incoming calls, but still desires personalized messages to be played back for particular callers. If a call is received while in the automatic mode of operation, the wireless communications device 10 automatically identifies the phone number of the incoming call, via conventional caller ID circuitry, and compares the identified phone number with phone numbers stored in the phone book 24. If a match is found, the incoming call is automatically directed to the voice message mailbox 38 and the particular message which the user has previously associated with that particular phone number is played back for the caller. In the automatic mode of operation, the user may or may not be notified of an incoming call”.

Even taken as a whole for what they would have meant to one skilled in the art, the combined teachings of Peters, Marutiak, Irvin, Broussard, Rutledge, Bremer, Brown, and Roderique fail to teach or suggest “based on the particular caller identification being on a particular date and at a particular time, making the determination that the automatic answering mode applies to the particular caller” as recited in claim 1. For example, the combined references do not make a *determination* about whether or not to apply an automatic answering mode “based on the particular caller identification being on a particular date and at a particular time” as recited in claim 1.

For at least the foregoing reasoning, claim 1 is patentable over the combined teachings of the combined references. Accordingly, the 35 U.S.C. 103 rejection of claim 1 and its dependent claims 2-20 and 27 should be withdrawn.

Claim 21 recites “wherein the automatic answering unit is operative to make the determination that the automatic answering mode applies to the particular caller based on the particular caller identification being on a particular date and at a particular time”. The combined teachings of Peters, Marutiak, Irvin, Broussard, Rutledge, Bremer, Brown, and Roderique fail to teach or suggest the above features of claim 21. For at least the foregoing reasoning, claim 21 is patentable over the combined teachings of the combined references. Accordingly, the 35 U.S.C. 103 rejection of claim 21 and its dependent claim 28 should be withdrawn.

Claim 22 recites “based on receiving a setting for the particular caller identification being on a particular date and at a particular time, applying the automatic answering mode to the particular caller”. The combined teachings of Peters, Marutiak, Irvin, Broussard, Rutledge, Bremer, Brown, and Roderique fail to teach or suggest the above features of claim 22. For at least the foregoing reasoning, claim 22 is patentable over the combined teachings of the combined references. Accordingly, the 35 U.S.C. 103 rejection of claim 22 and its dependent claims 23-29 should be withdrawn.

Claim 26 recites “based on a particular caller identification being on a set date and at a set time, making a determination that an automatic answering mode applies to the particular caller having the particular caller identification”. The combined teachings of Peters, Marutiak, Irvin, Broussard, Rutledge, Bremer, Brown, and Roderique fail to teach or suggest the above features of claim 26. For at least the foregoing reasoning, claim 26 is patentable over the combined teachings of the combined references. Accordingly, the 35 U.S.C. 103 rejection of claim 22 and its dependent claim 29 should be withdrawn.

Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-30 pending in the application are in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a

telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,

By: /Duane P. Minley/
Duane P. Minley
Registration No. 60,098

CANTOR COLBURN LLP
20 Church Street, 22nd Floor
Hartford, CT 06103
Telephone (404) 607-9991
Facsimile (404) 607-9981
Customer No. 36192
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